

REMARKS

Claims 1-19 are pending in the case and are rejected over the reference of Chen et al. (U.S. Patent No. 5,899,005).

WITHDRAWAL OF THE FINAL OFFICE ACTION

The Applicant respectfully requests withdrawal of the Final Office Action with respect to claims 5-14, and thus with respect to all of the pending claims. In the most recent Office Action, the Examiner states that claims 1-14 were clearly rejected, and that it was only a typographical error, denoting that claims 1-4 were rejected under §102 on the first Office Action. The Examiner further notes that any ambiguities should have been raised, prior to assuming that claims 5-14 are allowable over the prior art. Finally, the Examiner states that there were several methods listed as to how to contact the Examiner or his supervisor to avoid this incorrect assumption.

However, such a position by the Examiner ignores the clear fact that claims 1-14 were initially rejected under §112 and, thus, the notation on the Office Action Summary regarding claims 1-14 as being rejected is completely consistent with the §112 rejection and did not require that claims 1-14 be rejected under §102. Therefore, the position taken by the Applicant in the Response to the first Office Action, that is, that claims 1-14 were rejected under §112 and claims 1-4 were rejected under §102 is entirely consistent with the unambiguous Office Action set forth. There was no reason to assume that the Applicant's assumption was other than absolutely correct, given the entirety of the Office Action. Therefore, there was no reason to guess at what the Examiner may have meant when the Office Action

was very clear that claims 1-14 were rejected under §112 and that claims 1-4 were rejected under §102. The Office Action was clear. The Response to that Office Action was clear. Changing the rules at this stage only prejudices the Applicant unfairly.

The amendments to claims 5-14 were made for the purposes of clarity, and not to address prior art. Accordingly, claims 5-14 were finally rejected prematurely, and the Applicant respectfully requests that the Final Office Action be withdrawn and that this Response be entered as a matter of right as a Response to a second Nonfinal Office Action.

SECTION 102 REJECTION

The Examiner maintains the rejection of claims 1-4 and sets forth a new rejection of claims 5-14 and a further rejection of new claims 15-19 over the same reference of Chen et al. In maintaining the rejection of the pending claims, and particularly of claims 1-14, under §102, the Examiner incredibly seems to be simply ignoring limitations clearly set forth in the claims. The Chen et al. reference could not be any clearer on its face, in both the written description and Figures that any openings are in an end wall of the drum. In response to the possibility that the Examiner may be interpreting the terms "cylindrical casing part of the drying drum" to mean the entire drum itself, the Applicant has further amended the independent claims to recite that the drying drum has end walls and a cylindrical casing part, with the cylindrical casing part of the drying drum being a specific portion of the drum, and not the entire drum.

Furthermore, despite what the Examiner argues, the word “imperforate” is clearly necessary to being considered with respect to interpreting Chen et al., because the reference teaches in the exact opposite direction of the present invention, as recited in claims 1-13. Therefore, there is absolutely no way that the reference of Chen et al. could reasonably be interpreted to anticipate claims 1-13 because it does not teach or suggest openings in the cylindrical casing part as shown. In fact, it demands no such openings in the imperforate cylindrical wall of the drum. As such, those claims are in an allowable form.

With respect to claim 14, that claim has also further been amended to clarify the fact that the drying drum has end walls and a cylindrical casing part between the end walls. Claim 14 recites that each set of air passage openings is located near one end of the drying drum in the cylindrical casing part, and stretched like a band around the cylindrical casing part, wherein the cylindrical casing part between the two sets is generally closed. This limitation is also simply not shown or suggested in the prior art, and thus claim 14 is also not anticipated under §102 over the Chen et al. reference for the same reasons as noted above.

Claim 15 has further been amended to recite the drum having end walls and a cylindrical casing part between the end walls. Claim 15 further recites that air passage openings are located in one end wall near the outer circumference of the end wall. As noted in the earlier Response, and not specifically addressed by the Examiner, the Chen et al. reference shows openings in the center of the end wall, and not near the outer circumference of the end wall. Accordingly, claim 15 is also not anticipated by the Chen et al. reference under §102, nor are the dependent

claims 16-19, which also each recite unique combinations of elements not cited by the prior art.

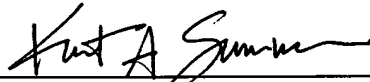
CONCLUSION

Applicant submits that the currently pending claims are in an allowable form and, therefore, requests a Notice of Allowability of the application at the Examiner's earliest convenience. If any issues remain in the case which might be handled in an expedited fashion, such as through a telephone call or an Examiner's Amendment, the Examiner is certainly encouraged to telephone the Applicant's representative or to issue an Examiner's Amendment.

Applicant knows of no fees due herein with this submission. However, if any charges or credits are necessary, please apply them to Deposit Account 23-3000.

Respectfully submitted,

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